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Man and His Rights

The experience of two world wars – and especially the memory of the systematic and centrally planned murder of millions of people in the second half of the twentieth century (which was marked by the emergence of a number of totalitarian systems) – all encourage the modern man to pay particularly close attention to the old and new manners of justifying the measures and standards aimed at ensuring that similar events will be prevented in the future. In undertaking such considerations, some people still refer to the tradition of natural law, rooted in the thought of the pre-Christian times, but also important for the tradition that has been closer to Christians, who – to a great extent – built their theoretical approach to the essentials of order on the foundations of the Greco-Roman heritage. It is also a tradition that is important to the modern Western thought, including the liberal camp, since its creators – such as John Locke – were also its followers. This tradition corresponds, to some extent, to the approaches that look to find the sources of universally valid standards in the Revelation of God; it is also associated with approaches that make no reference to either the will of God, or to the concept of the nature of the species, but rather find the source of such standards in human faculty and reason. The reference to such varied approaches reveals a major issue: the normative order is sometimes – to some extent paradoxically – also associated with a set of standards recognized or established by a body of public authority appointed for that very purpose, which, while determining the content of the rules governing the behaviour of people living in a given territory, adds to those norms and standards an element of collective coercion, applicable to the individual violating such established rules. The question of whether such a body of authority is in itself related to some standards: derived from God, from nature, or reason, is still valid, despite the fact that among the proposed approaches appears one that seems to be particularly common today: perhaps, after all, the body that constitutes the legal standards has not been established in order to align its will with some «higher standards», but rather with the boundaries set by justifiable rights of individuals (the so-called natural rights). Such rights may be due to them by virtue of their dignity, construed as possible behaviours of an individual and their right to demand certain behaviours of others under said standards. Human rights are usually derived from standards of a "higher law" – a fact that continually gives rise

to controversy. However, such an approach, close to many standpoints formulated in the second half of the twentieth century, is – to some extent – at odds with the older natural-legal tradition, according to which standards are not related to the rights of individuals (identified as prior in relation to the norms), but to the inherent faculty of any member of mankind – so important to the "normative ethics" based on the idea of the reality of a universal set of human qualities determining the content of human nature or essence. This "older approach" leads us to the hypothesis that natural human reason is capable of discerning the proclivities that guide an individual to their ultimate goal as a human being, and it also requires the reconciliation of the will of a legislative authority with known standards that protect such proclivities.

The thesis that norms are already legal in character when individuals agree to abide by them "externally" (regardless of their subjective assessment), as a result of their fear of becoming the target of coercion on the part of the state, does not rule out the reconciliation of legal norms with the requirements based on considerations concerning the proclivities of the species, but it also does not require such reconciliation. Problems related, on the one hand, with the relationship of legal norms and entitlements, and, on the other hand, with the strengthening of entitlements – still cause much debate, as evidenced by the papers presented to the Readers within this volume. These are texts that touch upon the issues of fairness of the established law and direct attention to human rights (those upheld and those violated) - which, in any case, are a major point of reference, and even have the power to bind the will of the governing bodies that create legal norms, thereby limiting their arbitrariness[1]. These texts are the fruits of a very interesting meeting held during the Third "Human Rights Education" Congress, which took place in December 2012 in Europe (after the congresses in Australia and Africa), in Krakow, Poland (at the oldest Polish university) and in Auschwitz, Poland – where the most notorious Nazi German concentration and death camp was located during World War II. Auschwitz was a place of death, where millions of innocent people were deprived of their humanity and murdered.

As Dean of the Faculty of International and Political Studies at the Jagiellonian University in Krakow, the host and main organizer of the Congress, I would like to express my gratitude to **Professor Sev Ozdowski** from Sydney, who not only contributed greatly to the excellent organization of the event, but also was always ready

[1] Such self-imposed limitation leads to the paradox indicated as early as the seventeenth century by Thomas Hobbes: sovereign, unlimited legal authority (exercised by an individual as well as a group, or the current majority, or "the people", or "a sovereign political nation"), is not only supposed to guard and ensure the enforcement of the law, but is also a source of instruction specifying the legal norms, backed by a threat of punishment, and, in fact, it the only body of authority capable of determining the limits and boundaries of its own actions – by means of law itself. Hobbes resolved the paradox by conferring full power to the sovereign and putting him above the law, which fact, however, did not necessarily entail his total arbitrariness – as the sovereign had to respect the freedom of individuals in the area where "the law was silent."

to provide the organizers with advice and assistance (also related to the subject matter). What is equally important, we could always count on his good humour. I would also like to take this opportunity to thank all the members of the team led by **Doctor Krzysztof Mazur**, whose skills and commitment I have always admired, and who is among those responsible for the success of the Congress. Finally, I would like to thank all the sponsors, without whose support it would be impossible for us to witness the immensely interesting addresses and establish close relations with representatives of academic centres from all over the world.

Prof. Bogdan Szlachta